

RECEIVED
CENTRAL FAX CENTERREMARKS

MAR 15 2007

Status of Claims

Claims 1-30 remain pending in this application following amendment. Claims 1 – 3, 7, 11, 14, 16 – 19, 22, 23, and 26 – 28 have been amended. In view of the amendments and remarks made herewith, Applicants respectfully request further examination of the application.

Rejection of Claims 1 – 9, 12, and 14 – 30 Under 35 U.S.C. §102(e)

Claims 1 – 9, 12, and 14 – 30 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,142,868 of *Broyles et al.* Applicants respectfully traverse this rejection. Nevertheless, to advance prosecution, Applicants have amended the independent claims to clarify the claimed invention.

The present invention relates to a method and apparatus for forecasting growth of a wireless telecommunications system. The growth forecasting method includes determining the current voice and data traffic level for the wireless system, determining current minutes of use (MOU) for the current wireless system, estimating future MOU for the wireless system, and forecasting a future traffic level for the wireless system based on the system's current traffic, current MOU, and future estimated MOU. By the present amendments to the claims, Applicants have clarified that the current MOU is the number of minutes used over a given time period. Thus, the present invention uses two different metrics to forecast the future traffic level. The first metric is the current traffic level, which represents the sum of the average traffic for all system sectors. In short, the system traffic level is a "snapshot" of the system traffic at a particular time (or duration of time). The second metric is the current MOU, which represents the cumulative minutes used by the subscribers over a given period of time. Thus, the present invention uses two different metrics to estimate a future traffic level.

If an analogy were to be drawn to traffic on a highway, then the system traffic would be analogous to the number of cars on the highway at a peak hour. The highway can only accommodate a certain number of vehicles at any given time, and thus, its capacity is a limiting factor. The current MOU would be analogous to the number of

miles driven by all the drivers on the highway for a given period of time, such as a week. Clearly, the metric representing MOU is very different from the metric representing the average system traffic at any given moment.

Broyles et al. simply does not disclose, teach or suggest using the two claimed metrics to forecast the future traffic level. *Broyles et al.* uses only a traffic level, or "Erlang traffic" but does not disclose using any cumulative minutes used by the subscribers of the system as a metric to forecast a future traffic level. For example, in Claim 1 the following features are claimed but nowhere disclosed in *Broyles et al.*:

(1) "determining the current minutes of use (MOU)..."; (2) "estimating the future minutes of use (MOU)..."; (3) forecasting the future system traffic based on "the current system MOU"; and (4) "the future MOU".

Thus, Claim 1 recites at least four features not found in the *Broyles* reference. Moreover, in the claims the Applicants recite both "system traffic" and "minutes of use (MOU)". Those skilled in the art might well equate "system traffic" with the "Erlang traffic" disclosed in the *Broyles* reference. But it strains credibility to argue that the "Erlang traffic" of *Broyles et al.* could also be considered to be the separate and different quantity of "minutes of use (MOU)" recited in the claims.

The remaining independent claims 17, 22, and 26 all recite using the current system traffic level and the current minutes of use as two metrics to forecast the future traffic level. Applicants respectfully submit that *Broyles et al.* does not disclose the use of any MOU measurement or estimation. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

Rejection of Claims 10, 11 and 13 Under 35 U.S.C. §103

Claims 10, 11, and 13 stand rejected under 35 U.S.C. §103 as being unpatentable over *Broyles et al.* Applicants respectfully traverse this rejection.

For at least the reason that Claims 10, 11, and 13 incorporate the limitations of the independent claims from which they depend, these dependent claims are patentable over the art of record for at least the reasons set forth above with respect to Independent Claim. Furthermore, these dependent claims include features that are not

From: GARDNER GROFF PC

770 984 0098

08/15/2007 18:00 #085 P.011/011

**RECEIVED
CENTRAL FAX CENTER**

11

**PATENT
MAR 15 2007** Serial No. 10/811,342
Attorney Docket No. 8C20.1-270

disclosed, taught, or suggested by *Broyles et al.* For example, *Broyles et al.* does not disclose, teach, or suggest "estimating the future MOU in such a way that the resulting MOU estimation includes an MOU buffer amount," as recited in Claims 10. Accordingly, Applicants respectfully request that the rejection of Claims 10, 11, and 13 also be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all grounds of rejection have been overcome and/or traversed. Applicants therefore respectfully solicit allowance of the application. Should there be any further questions or concerns, the Examiner is urged to telephone the undersigned.

Respectfully submitted,
GARDNER GROFF SANTOS &
GREENWALD, P.C.


Michelle E. Kandcer, Reg. No. 54,207

GARDNER GROFF SANTOS & GREENWALD, P.C.

Customer No. 39513

Phone: 770.984.2300

Fax: 770.984.0098